

and Tarlton, a committee of conference on the part of the House, on the amendments of the House, to a bill to provide for the investment of the special school fund in the bonds of Rail Road Companies incorporated by the State, in which the Senate refused to concur, and from which the House refused to recede.

On motion of Mr. Armstrong the vote passing a bill making an appropriation to the Governor of the State of Georgia, for arms lost by the Georgia battallion, at the massacre of Goliad was reconsidered.

Mr. Millican moved to reconsider the vote adopting the amendment offered by Mr. Bryan, to the bill.

On motion of Mr. Scott the Senate adjourned until tomorrow morning, 8 o'clock.

WEDNESDAY, July 30th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. McDade presented the memorial of the heirs of John Lockhart—referred to the committee on Private Land Claims No. 1.

Mr. Grimes, chairman of the committee on Finance, made the following report :

The committee on Finance have considered A bill to fix the amount to be paid to Special Judges of the Supreme Court for special services, and consider the bill necessary and proper, and in conformity with the requirements of the seventh article, eighth section of the State Constitution.

The committee are further of opinion that the compensation provided in the bill is sufficient. They therefore return the bill to the Senate and recommend its passage.

Mr. Whitaker, chairman of the committee on Private Land Claims No. 2, made the following reports :

The committee on Private Land Claims No. 2, to which was referred A bill for the relief of the heirs of Nathaniel Smith, are satisfied from the proof that Smith Emigrated to Texas with his family in 1839 or 40, and remained in the country up to the time of his death, and received a conditional certificate for 640 acres, but by the negligence of the administrator, the unconditional certificate was never obtained; under the circumstances, recommend the passage of the bill.



The committee on Private Land Claims No. 2, to which was referred A bill for the relief of Jonas Gilbert, find that a conditional certificate issued for 1,280 acres, and are satisfied from the evidence that the party remained at least three years in the country, but the bill asks relief for the prior assignment, and by the act of January 4th, 1849, no assignment is valid in law until an unconditional deed shall be obtained. From further consideration the committee find that the boards of Land Commissioners were re-opened and remained so to the 4th February last. The committee are of opinion that the relief should not be granted.

On motion of Mr. Flanagan, the rule was suspended, the report and bill taken up and referred to the Judiciary committee.

Mr. Flanagan, chairman of the committee on Internal Improvements, made the following reports :

The committee on Internal Improvements, have had before them A bill to incorporate the Henderson and Logansport Railroad Company, and find that the requirements of the Executive are strictly adhered to, and I am instructed to report the bill back, and recommend its passage.

The committee on Internal Improvements have examined A bill to incorporate the Sabine and Galveston Bay Railroad and Lumber company, and instruct me to amend by striking out the 13th section, which proposes to reserve all the land on each side of the road for eight miles, and recommend the adoption of the amendment and the passage of the bill.

Mr. Potter, chairman of the Judiciary committee, made the following reports :

The Judiciary committee have considered a resolution requesting them "to take into consideration the propriety of so amending the law regulating the Assessment and Collection of Taxes, as to require the taxes on all property to be paid in the county in which it is situated," and direct me to report that they do not consider the proposed change in relation to the place for the payment of taxes in anywise expedient. The plan proposed by the resolution was adopted some years since, and was found so inconvenient in its operation upon the citizens of the country, that it was changed by the next Legislature, and the plan now in operation was adopted. It is believed that the plan proposed, if adopted, would be equivalent to the levy of more than a double tax upon more than three fourths of the citizens of the country; as it would require them to have agents at a heavy expense in various counties in



order to pay the small amount of taxes to which they might be properly liable. The committee therefore direct me to return the resolution to the Senate and recommend that it be laid upon the table.

The Judiciary committee have considered a resolution requesting them to consider the propriety of changing the Statute of Limitations so as to make a partial payment a renewal of a note or account, and to report, by bill or otherwise, and direct me to report that in the opinion of the committee, the proposed change in our act regulating "Limitation in civil suits," would be unwise and inexpedient. The 12th section of the act of limitations of 1841, Hart. Dig. Art. 2388, provided, "That when an action may appear to be barred by a law of limitations, no acknowledgment of the justice of the claim, made subsequent to the time it became due, shall be admitted in evidences to take the case out of the operation of the law, unless such acknowledgement be in writing, and signed by the party, to be charged thereby. This provision has been in force since 1841, and is now well understood by our citizens. Where the creditor thinks his claim of sufficient value to render it an object to keep it alive, he will either bring suit or procure a written renewal from his debtor; thereby preventing disputes as to the time of making payments and probably many perjuries in proving the same. If the limitation of two years on open accounts, and four years on written obligations does not give sufficient time to the creditors, then the period should be extended; but the committee do not think the extension should be made in the mode proposed, and therefore return the resolution to the Senate and recommend that it be laid upon the table.

Mr. Martin, from the committee on the Judiciary, to which was referred the petition for the relief of the heirs of Edward Wingate, reported a bill for their relief, and recommended its passage.

A bill for the relief of the heirs of Edward Wingate—read 1st time.

On motion of Mr. Martin, the rule was suspended, bill read 2d time and laid on the table.

Mr. Russell, from the committee on Private Land Claims No. 2, to which was referred the memorial of the heirs of Sam'l S. Washburn, reported the same back, recommending its rejection.



On motion of Mr. Weatherford, Mr. Burroughs was added to the committee on Private Land Claims No. 2.

On motion of Mr. Russell, A House bill to punish persons for writing upon, defacing or disfiguring the walls of Public Buildings of the State, was taken up and read 1st time.

On motion of Mr. Russell, the rule was suspended, the bill read 2d time and passed to a 3d reading.

On motion of Mr. Russell, the rule was further suspended, bill read 3d time and passed.

On motion of Mr. Millican, A House bill granting toll privileges to Mathew Worrell, for building a bridge across the Navisoto river, was taken up and read 1st time.

On motion of Mr. Millican, the rule was suspended, bill read 2d time and passed to a 3d reading.

On motion of Mr. Guinn, the rule was further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, Lott, McCulloch, McDade, Martin, Millican, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, Whitaker and Wren—29.

NAYS—None.

On motion of Mr. Burroughs, Mr. Armstrong was added to the committee on Private Land Claims No. 1.

Mr. Palmer made the following report :

The committee of Conference to take into consideration the amendments proposed by the House to the bill to be entitled an act to provide for the investment of the Special School Fund in the bonds of railroad companies, incorporated by the State, have conferred upon the same and have instructed me to report as follows :

1st. The committee of Conference recommend that the House adhere to the 1st and 2d amendments, and the last proviso of the 4th amendment, relative to sections of roads between the cities of Galveston and Houston, and the crossing of Buffalo Bayou near the city of Houston, and that the Senate recede from its former action and concur in said amendments.

2d. The committee further recommend the adoption of the following substitute in the place of that part of 4th amendment, made by the House, relative to roads of a less length



than fifty miles, to be adopted as an independant section, after section 15th :

Section 16. That no railroad, which is less than fifty miles in length, according to the terms of its charter, shall be entitled to the benefits of this act, except on the following terms : The Brownsville and Rio Grande road shall be entitled to the benefits of this act on its entire length, as soon as it is completed from Point Isabel to Brownsville, and any other railroad which is less than fifty miles in length, according to the terms of its charter, whenever one-half of its entire length has been completed and put in running order, and the other half has been graded, ready for the ties and other superstructure, shall be entitled to said loan on such completed section, which shall be expended for the completion of the entire road, and in no event shall said roads be entitled to said loan on more than one-half its entire length.

E. A. PALMER, Char'm of Senate Committee.

JAMES W. THROCKMORTON, Chairman  
of Committee on part of the House.

Mr. Scott, chairman of the committee on Public Lands, asked further time in which to consider and report upon the substitute offered by Mr. Weatherford, for a bill to provide for the increase of the Common School Fund by a sale of the Public Domain within the reserve created by the act to provide for the construction of the Mississippi and Pacific Railroad, approved December 21st, 1853.

Mr. Taylor of Fannin, moved that the committee have until Saturday morning next, in which to report—lost.

Mr. Weatherford moved that the committee be instructed to report on to-morrow morning—lost.

On motion of Mr. Caldwell, the committee was granted further time and requested to report as soon as possible.

On motion of Mr. Bryan, the rule was suspended, and a bill to amend an act to incorporate the Colorado Valley Railroad company, was taken up and made the special order for to-morrow morning, at 10 o'clock.

Mr. White introduced a bill for the relief of the citizens of Helena, in Karnes county—read 1st and 2d times and referred to the committee on Public Lands.

Mr. White introduced a bill supplemental to an act to regulate proceedings in the County Courts, pertaining to the estates of deceased persons—read 1st and 2d times, and referred to the committee on the Judiciary.



A message was received from the House informing the Senate that the House had passed the following bills originating in the House, viz :

A bill to incorporate Wildey Lodge, I. O. O. F. No. 21.

A bill to incorporate Waverly Institute.

A bill to incorporate the town of Waco, in McLennan county.

A bill to create a new land district out of the Territory composed within the county of Karnes.

A bill for the relief of Sarah A Cook.

A bill for the relief of Wesley M. Selman.

A bill for the relief of Thomas Peck.

A bill for the relief of Thaddeus Douglas.

A bill for the relief of W. W. O. Stanfield ; and

A bill for the relief of Arthur G. Wavill.

Mr. Taylor of Fannin, offered the following resolution :

*Resolved*, That the committee on Printing be instructed to subscribe for ten copies of the appendix for each Senator, containing the debates of the Senate, commencing from the first of the present session."

Rejected by the following vote :

YEAS—Messrs. Allen, Armstrong, Caldwell, Guinn, Hord, McCulloch, Martin, Millican, Pedigo, Scarborough, Superviele, Taylor of Fannin, Truit and Wren—14.

NAYS—Messrs. Bryan, Burroughs, Flanagan, Grimes, Hill, Lott, McDade, Maverick, Pirkey, Potter, Russell, Taylor of Cass, Taylor of Houston, Whitaker and White—15.

Mr. Taylor of Cass, moved to reconsider the vote just taken, upon which the yeas and nays were as follows :

YEAS—Messrs. Allen, Armstrong, Caldwell, Guinn, Hord, McCulloch, Martin, Millican, Pedigo, Scarborough, Taylor of Cass, Taylor of Fannin, Truit, White and Wren—15.

NAYS—Messrs. Bryan, Burroughs, Flanagan, Grimes, Hill, Lott, McDade, Maverick, Pirkey, Potter, Russell, Superviele, Taylor of Houston, Weatherford and Whitaker—15.

There being a tie, the President voted in the negative, so the Senate refused to reconsider the vote.

On motion of Mr. Taylor of Houston, the House bills on their 1st reading were taken up :

A bill for the relief of C. W. Peterson, read 1st time, and

On motion of Mr. Taylor of Houston, the rule was suspended, bill read 2nd time and referred to the committee on Finance.



A bill for the relief of Wm. B. Jaques, read 1st time.

On motion of Mr. Superviele, the rule was suspended, bill read 2nd time and referred to the committee on Claims and Accounts.

A bill supplemental to and amendatory of, an act to authorize and require the County Court of the County of Brazoria, to establish, discontinue and regulate Public Roads—read 1st time.

On motion of Bryan, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

A bill for the relief of Pre-emption claimants—read 1st time, rule suspended, bill read 2nd time, and referred to the committee on Public Lands.

Joint resolution in Federal Courts—read 1st time, rule suspended, read 2nd time and referred to the committee on State Affairs.

A bill granting to the city of New Braunsfels, in Comal County, the privilege of constructing a bridge across the Guadalupe river—read 1st time.

On motion of Mr. McCulloch, the rule was suspended, bill read 2nd time and referred to the committee on Roads, Bridges and Ferries.

A bill for the relief of the heirs or legal representatives of Archibald Fitzgerald—read 1st time.

On motion of Mr. McCulloch, the rule was suspended, bill read 2nd time and referred to the committee on Public Debt.

A bill to incorporate the Waco Female Academy—read 1st time.

On motion of Mr. Armstrong, the rule was suspended, bill read 2d time and passed to a 3rd reading.

On motion of Mr. Armstrong, the rule was further suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Houston, Truit, Whitaker and White—23.

NAYS—None.

A bill to incorporate Live Oak Lodge, No. 54, of the I. O. O. F.—read 1st time.

On motion of Mr. Russell, the rule was suspended, bill read 2nd time and passed to 3d reading.



The rule was further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Armstrong, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Martin, Maverick, Millican, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford and White—25.

NAYS—Mr. Allen—1.

A bill granting to Caroline Stafford the privilege of erecting a toll bridge across Mud Creek—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

On motion of Mr. Guinn, the rule was further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Flanagan, Grimes, Guinn, Hill, Lott, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Potter, Scarborough, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Whitaker and Wren—23.

NAY—Mr. Scott—1.

A bill for the relief of Sarah A. Cook—read 1st time.

On motion of Mr. McDade, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 1.

A bill granting to John Torrey and others the privilege of constructing a bridge across the Guadalupe river—read 1st time.

On motion of Mr. McCulloch, the rule was suspended, bill read 2nd time and referred to the committee on Roads, Bridges and Ferries.

A bill for the relief of F. F. Lindheimer—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the committee on Finance.

A bill for the relief of Andrew Dougherty—read 1st time.

On motion of Mr. Allen, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 1.

A bill for the relief of Miles Bennett—read 1st time, and

On motion of Mr. Taylor of Houston, the rule was suspended, bill read 2nd time and referred to the committee on the Judiciary.

A bill for the relief of Arthur G. Wavill—read 1st time.

On motion of Mr. Taylor of Cass, the rule was suspended,



the bill read 2nd time and referred to the committee on Public Lands.

A bill for the relief of Ruth McFaddin—read 1st time.

On motion of Mr. Taylor of Cass, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 1.

A bill for the relief of Elijah Votaw—read 1st time.

On motion of Mr. McCulloch, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of the heirs of Lucy Jordan, dec'd.—read 1st time.

On motion of Mr. Russell, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 1.

A bill for the relief of Wm. Herrington—read 1st time.

On motion of Mr. Taylor of Houston, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of Swen Bergstrom—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of John W. McKnight—read 1st time.

On motion of Mr. Russell, the rule was suspended, the bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of Joseph Morrison—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of James M. Monroe—read 1st time.

On motion of Mr. Russell, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill to create a New Land District out of the territory composed within the county of Karnes—read 1st time.

On motion of Mr. White, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

On motion of Mr. White, the rule was further suspended, bill read 3rd time and passed.

A bill for the relief of Elisha T. Robinson—read 1st time.

On motion of Mr. Guinn, the rule was suspended, the bill



read 2nd time and referred to the committee No. 2, on Private Land Claims.

A bill for the relief of W. W. O. Stanfield—read 1st time.

On motion of Mr. Scott, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

On motion of Mr. Scott, the rule was further suspended, bill read 3rd time and passed.

A bill for the relief of Thos. Peck—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill to incorporate Wildey Lodge No. 21, of the I. O. O. F.—read 1st time.

On motion of Mr. Flanagan, the rule was suspended, bill read 2nd time and passed to a 3rd reading.

On motion of Mr. Flanagan, the rule was further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Scarborough, Scott, Superviele, Taylor of Houston, Tuit, Weatherford and Whitaker—23.

NAY—Mr. Russell.

A bill for the relief of Thaddeus Douglas—read 1st time.

On motion of Mr. Scott, the rule was suspended, the bill read 2nd time and referred to the committee on Private Land Claims No. 2.

A bill for the relief of Wesley M. Selman—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the committee on Claims and Accounts.

A bill to incorporate the town of Waco, in McLennan county—read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and referred to the Judiciary committee.

A bill for the relief of Rob't McWilliams—read 1st time.

On motion of Mr. Scott, the rule was suspended, bill read 2nd time and referred to the committee on Claims and Accounts.

A bill to incorporate the Waverly Institute—read 1st time.

On motion of Mr. Palmer, the rule was suspended, bill read 2nd time and referred to the committee on Education.

Mr. Allen, chairman of the committee on Enrolled Bills,



reported the following bills correctly enrolled, properly signed, and this day presented to the Governor :

A bill to incorporate the Ocoola Mill company, in Dallas county.

A bill for the relief of Wm. Carrol Sypert.

A bill to incorporate Payne Female Institute.

A bill for the relief of individuals who settled as pre-emptors, or who made locations by virtue of genuine certificates within the Mississippi and Pacific Railroad Reserve, prior to the 21st of December, 1853 ; and,

A bill to consolidate the Texas Monumental committee and the Texas Military Institute, with Rutgersville College.

On motion of Mr. Palmer, the report of the committee of Conference, on a bill to provide for the investment of the Special School Fund, in the bonds of railroad companies, incorporated by the State, was taken up and read.

Mr. Potter moved to postpone the consideration of the report till to-morrow morning—lost.

The report was then adopted by the following vote :

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Hill, Hord, Lott, McDade, Maverick, Millican, Palmer, Pirkey, Russell, Scarborough, Scott, Superviele, Weatherford, Whitaker and White—20.

NAYS—Messrs. Armstrong, Grimes, Guinn, McCulloch, Martin, Pedigo, Potter, Taylor of Cass. Taylor of Fannin, Taylor of Houston, Truit and Wren—12.

On motion of Mr. Potter, A bill to incorporate the Texas Cotton Seed Oil and Paper Manufacturing company, was taken up, read, and the amendments of the House concurred in by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Houston, Truit and Weatherford—24.

NAYS—None.

On motion of Mr. McCulloch, A bill to create the county of La Salle, was taken up, read 2nd time and ordered to be engrossed.

On motion of Mr. Guinn, the rule was further suspended, bill read 3rd time and passed.

On motion of Mr. Hord, A House bill for the relief of Jack



B. Everett, was taken up read 2nd time and passed to a 3rd reading.

On motion of Mr. Hord, the rule was further suspended, bill read 3rd time and passed.

On motion of Mr. Taylor of Cass, A bill for the relief of Absolom J. Lott, with the report of the committee on Private Land Claims No. 2, offering amendments thereto, was taken up, the amendments adopted, bill ordered to be engrossed.

On motion of Mr. Taylor of Cass, the rule was further suspended, bill read 3rd time and passed.

On motion of Mr. McCulloch, A bill for the relief of the heirs of Wilson J. Riddle, dec'd., with the report of the committee on Claims and Accounts offering amendments thereto, was taken up, read, the amendments adopted, and the bill laid on the table.

On motion of Mr. Scott, A bill to provide for the assessment and collection of taxes, was taken from the table and placed among the orders of the day.

On motion of Mr. Russell, the Senate adjourned till to-morrow morning, at 8 o'clock, A. M.

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THURSDAY, July 31st, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. White presented the petition of Charles A. Johnson, guardian of Amanda Kemper—referred to the Committee on Public Lands.

Mr. Taylor of Cass, chairman of the Committee on Public Debt, to which was referred a House bill for the relief of the heirs or legal representatives of Archibald Fitzgerald, reported the same back, and recommended its passage.

Mr. Whitaker, chairman of the Committee on Private Land Claims No. 2, made the following reports :

The Committee on Private Land Claims No. 2, to which was referred the petition of Sam. B. Kellough, have examined the same and find that Mr. Kellough asks, by right of various transfers, an unconditional certificate in the name of L. W. Dickinson. Under the law of 4th January, 1839, art. 1924, the sale of conditional certificates vested no title. The Committee, therefore, recommend that the prayer of the petitioner be not granted.